CITY COUNCIL MINUTES April 14, 2014

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, April 14, 2014 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President John Friend presiding and conducting the following business.

These minutes do not represent a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.

President Friend: The Honorable Council of the City of Evansville is hereby called to order. Madam Clerk, please call the roll.

ROLL CALL:

Present: McGinn, Mosby, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

Absent: *Brinkerhoff-Riley

President Friend: There being eight (8) members present and one (1) member absent and eight (8) members representing a quorum, I hereby declare this session of the Common Council officially open.

*Announcement by Councilman McGinn in explanation for Councilwoman Brinkerhoff-Riley's absence: Madam Clerk, Councilwoman Brinkerhoff-Riley asked that I inform this Council and let the record reflect that her non-attendance is due to the fact that she wanted to be at the IURC meeting when it started and she asked that I inform you of that.

City Clerk Windhorst: Thank you.

PLEDGE OF ALLEGIANCE

Councilman Weaver will lead the Pledge of Allegiance this evening.

President Friend: Fellow Councilmen and those in the audience, welcome to the April 14, 2014 meeting of the Common Council.

COUNCIL ATTORNEY

Scott Danks is our City Council Attorney

SERGEANT AT ARMS

The Sergeant at Arms is Officer Karmire

APPROVAL OF MINUTES

I need a motion to approve the March 31, 2014 minutes.

Councilwoman Mosby moved and Councilwoman Robinson seconded the motion to approve the minutes of the regular meetings of the Common Council held March 31, 2014 as written. Voice vote. So ordered.

IN YOUR APRIL 11th PACKET:

- * City Council Meeting Agenda for April 14, 2014
- * Committee Meeting Schedule for April 14, 2014
- * Area Plan Commission Staff Field Reports dated March 18, 2014 and Meeting Minutes dated March 13, 2014
- * Evansville Redevelopment Commission Minutes dated March 18, 2014
- * 2014 Youth Sports Grant Subcommittee Recommendations
- * 2014 Youth Leadership Grant Subcommittee Recommendations

EMAILED MATERIAL:

- * City Council Meeting Minutes for March 31, 2014
- * Ordinance G-2014-3 amended and passed by Council on March 31, 2014

ON YOUR DESK THIS EVENING:

- * Extended Agenda
- * January 2014 Financial Report

President Friend: Is there a motion to receive, file, and make these reports and communications a part of the meeting?

Councilman O'Daniel: So moved.

President Friend: Motion by Councilman O'Daniel. Second?

Councilwoman Mosby: Second.

President Friend: By Councilwoman Mosby. Ayes? Nays? (Unanimous Ayes) So ordered.

CONSENT AGENDA

FIRST READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE R-2014-7 APC R-4 to C-1

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 701 N. First Avenue

Petitioner:

St. Anthony Catholic Church

Owners:

Catholic Diocese of Evansville

Representative:

Thomas J. Keith

District:

Al Lindsey, Ward 6

ORDINANCE R-2014-8

APC

C-2 to C-4

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 6009 Oak Grove Rd. and 1524 Kimber Lane

Petitioner:

Head Investments, LLC

Owners:

Same

Representative:

Brian Hutchinson

District:

Dan McGinn, Ward 1

ORDINANCE R-2014-9

APC

R-1 to C-1

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1500 Lincoln Avenue

Petitioner:

Catholic Diocese of Evansville

Owners:

Same

Representative:

Morgan D. Jones, Sr.

District:

Missy Mosby, Ward 2

President Friend: Motion to adopt Consent Agenda?

Councilwoman Mosby: So moved.

President Friend: Got a motion by Councilwoman Mosby. Second?

Councilman Lindsey: Second.

President Friend: Followed by Councilman...third? Thank you, thank you Al. Seconded by Councilman Lindsey. Ayes? Nays? (*Unanimous Ayes*) Goes so ordered.

CONSENT AGENDA

SECOND READING OF ZONING ORDINANCES

Councilwoman Robinson: Mr. President, I make the motion to adopt the Consent Agenda, Second Reading of Zoning Ordinances and to accept the Area Planning Commission report.

Councilman O'Daniel: I'll second that.

President Friend: Okay, a motion by Councilwoman Robinson and seconded by Councilman O'Daniel. Ayes? Nays? (*Unanimous Ayes*) Go forth.

REGULAR AGENDA THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2014-1

APC

C-4 to M-1

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 3100 Covert Avenue and 3102 Covert Avenue

Petitioner:

Andrews Auto Sales, Inc.

President Friend: Is anybody in the audience representing the petitioner?

Daniel Francis: (Off Mic) (Inaudible)

President Friend: Yes, come on up, please.

Daniel Francis: Good afternoon.

President Friend: Hello. Can you please state your name for the record and address?

Daniel Francis: Sure. Daniel Francis, 3100 Covert Avenue.

President Friend: Okay, can you tell me what you want to do?

Daniel Francis: Yes sir, this is part of a project that we're taking to develop our property. My father-in-law purchased this property in November of 2002 out of foreclosure and when he did, we went into a corporate partnership with him and I was excited because I'm originally from this area. I went to middle school, McGary Middle School, and I'm very proud to be in this area. It's served us over the last 11 years quite well. I purchased the property from my father-in-law in 2005 and my wife and I plan on being there for some time and we are prepared to invest money to improve curb appeal and continue the family business into generations.

So part of the development of this property is a...there's an old body shop that was actually leased to a body shop when we purchased the property and zoned M-1. We had some issues with the tenant and within a few years we had asked him to find another place but we continued to use the body shop for reconditioning of our cars, roughly five to ten hours. It's old and plumbing issues and the roof leaks and the area would be much better served if we were able to raze that building and move the zoning from that building to our 6000 square foot garage directly adjacent to it. We have plenty of open capacity there and we'd be able to move reconditioned staged vehicles behind a fenced area where that body shop currently exists.

President Friend: Do we have any questions from members of Council?

Councilwoman Mosby: I would just like to make a comment. I went over and toured the facility and am very proud of what they're doing. They're making some major improvements to the area over there. They've taken down a dilapidated home as well. I'm very happy and really want this project to move forward. I've spoken to two of the neighborhood associations that adjoin this area, they're very excited, and they also would like to see this move forward.

So thank you for everything you're doing in the Second Ward.

President Friend: So you have...there's was no remonstrators (Inaudible)?

Councilwoman Mosby: I've not had any remonstrators on this and everything I've heard has been very positive and he's already put a new sign up over there and done some other improvements and everything is really looking great.

Daniel Francis: Thank you.

President Friend: Thank you. Is there any other questions from members? Anybody in the audience for or against this Ordinance?

Councilwoman Mosby: Motion for a do-pass.

Councilman O'Daniel: Second.

President Friend: Had a motion by Councilwoman Mosby and seconded by Councilman O'Daniel. Is there...okay, please call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

Absent: Brinkerhoff-Riley

President Friend: There being eight (8) Ayes and zero (0) Nays, Ordinance R-2014-1 is hereby declared adopted.

Thank you for coming out this evening.

Daniel Francis: Thank you very much. Thank you.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2014-2

APC

C-1 to C-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 507 N. Weinbach Avenue

Petitioner:

Jamie M. Thomas

President Friend: Yes, Jamie.

Jamie Thomas: Sorry I have a cold. Jamie Thomas, 507 N. Weinbach.

President Friend: Thank you Jamie. What do you like to do out there?

Jamie Thomas: I'm just needing to go from C-1 to C-2 so I can continue my dog grooming

business and so I can get my sign out front and everything,

President Friend: Okay, anybody on...yes?

Councilwoman Mosby: I'll just make a comment. I have taken one of my dogs to there. It's a very nice facility; they do a great job and it also is another improvement to that area.

President Friend: Any other questions from Council? That said, anybody in the audience that may be for or against this? In that case, I entertain...

Councilwoman Mosby: Motion for a do-pass.

Councilman Weaver: Second.

President Friend: Okay, I had a motion made by Councilwoman Mosby and seconded by Councilman Weaver. Madam, please call the roll for R-2014-2.

ROLL CALL

Ayes: McGinn, Mosby, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

Absent: Brinkerhoff-Riley

President Friend: There being eight (8) Ayes and zero (0) Nays, I declare Ordinance R-2014-2 adopted. Thanks for coming out.

Jamie Thomas: You guys have a good night.

President Friend: Thank you so much.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2014-3 APC

R-3 w/UDC to R-1

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2341 Mt. Auburn Road

Petitioner:

Warren D & Linda L Casper

President Friend: Yes, are they in the audience?

Councilman Lindsey: I haven't had any remonstrators or anything negative on this so I think

it's a....

President Friend: That's your area Al, isn't it?

Councilman Lindsey: Yes.

President Friend: You haven't had any...

Councilman Lindsey: No, it's just a...

Councilman O'Daniel: It looks like this is a downzoning and...

Councilman Lindsey: It's a downzoning, yeah.

Councilman O'Daniel:...it looks like there's been issues before...

Councilman Lindsey: Yeah.

Councilman O'Daniel:...but this will prevent those from recurring.

Councilman Lindsey: Yeah I think someone's bought this property and they need to do this

to sell it so it's...

President Friend: They probably need it for financing.

Councilman Lindsey: Yeah, it's...

President Friend: Usually it's for financing. Anybody have any questions about this?

Anybody in the audience that might be for or against?

With that, I entertain a...I entertain a motion to adopt R-2014-3.

Councilman Lindsey: Motion to adopt.

Councilman O'Daniel: Second

I had a motion by Councilman Lindsey and seconded by Councilman O'Daniel. Ma'am, please call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

Absent: Brinkerhoff-Riley

President Friend: There being eight (8) Ayes and zero (0) Nays, Ordinance R-2014-3 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2014-4

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1105 N. 1107 N. Fourth Ave

R-2 to C-4 w/ U&D

APC

Petitioner:

N. Ryan Zaricki

President Friend: Yes.

Ryan Zaricki: Hello. My name is Ryan Zaricki. I live at 1001 Oliver Road North in Wadesville, Indiana. I'm the president of Whole Sun Designs. We design and install solar power systems and we are looking to basically expand an existing commercial lot in order to build an office and warehouse for our business.

And just for the record too, we are also striving to build a net-zero energy building, which produces as much energy as it uses through solar hot water and solar electric, passive solar design, super insulation. Our business focuses on solar power but we certainly have lots of experience in energy efficiency and sort of sustainable green building and we're really looking to kind of use this opportunity to show the possibilities in that realm so...

President Friend: Anybody on Council have any questions?

Councilman Lindsey: I haven't had any complaints. I know the area. This has got to be a positive thing. Something new in that area would be good.

Councilman O'Daniel: Yeah I...have any of the other homeowners...have they...were there any remonstrators at all?

Ryan Zaricki: We did have one woman that called us that lived around the block. She wasn't an immediate, adjacent homeowner but she saw the sign that we had posted and called. Her only issue was that she didn't want to see, basically, the things that we've included in our Use and Development Commitment and whenever I told her what we were trying to do she was really encouraged and happy to hear we were trying to do something good in that neighborhood.

Councilman O'Daniel: What kind of building are you looking to construct?

Ryan Zaricki: Well, we are kind of thinking to build in phases. We want to start with approximately 1000 square foot footprint with sort of a story and a half off the...

Councilman O'Daniel: Are we talking a pole barn? Are we talking a brick building?

Ryan Zaricki: Um, the warehouse part of it, which would be Phase II, the larger 2500 square foot, we're looking to build a pole barn but the smaller 900 square foot, 1000 square foot building, we're looking to...it's a good question. I certainly don't want to do a pole barn on that. We hope to try to do some natural building through cob or strawbuild potentially. Basically, what budget and the Building Commission would allow us to do but I would imagine it would a combination of wood-framed and masonry units.

Councilman O'Daniel: I guess I'm a little concerned here because I don't like spot zoning, you know, I like a comprehensive plan and I'm just looking around and it looks like there's only two other commercial lots within a four-block area. How did you come across this particular area?

Ryan Zaricki: Chad Frazier, my business partner, actually bought the commercial lot on the corner at a Commissioner's sale I believe, and from my understanding, that used to be an electricians' shop there. So the neighboring lot is just an empty lot and we figure if we are going to own the one on the corner, we might as well go ahead and procure that lot. We actually thought about buying the residential lot just to the north of those two lots, which has a small, old shotgun house on it, and that's something we've considered doing as well is buying up housing stock in the neighborhood and sort of revamping them to energy efficiency and solar powered buildings but the...yeah, our idea was that since there's an empty lot there, let's go ahead and get that and sort of try to expand as much as we can and, you know, take that into account. Chad Frazier actually owns a handful of other empty lots in the neighborhood which we've done some gardening and various small sort of community...um community, I guess, areas through benches, park benches, and small little details just to try and make the neighborhood a little bit better. Does that answer your question?

Councilman O'Daniel: How are you going to orient your building? Is it going to be facing Fourth or...?

Ryan Zaricki: We are going to be facing Missouri Street because that is the south-facing direction. With passive solar design, if you can incorporate the main building front to the south, design it to be able to bring in sun in the wintertime to warm the building but design the overhangs of the building to block that direct sunlight in the summertime to keep that heat-gain down. I've actually seen buildings out in Colorado, where I leaned most of my skills, that don't have a heating and cooling unit simply by design and it's kind of by doing so, facing it to the south and designing it properly. Again, super insulation so whenever get...heat that conditioned space, you're not losing it through the walls or through the building envelope so...

Councilman O'Daniel: And is there some fencing or other screening that you're going to have? (*Inaudible*)

Speaking Simultaneously

Ryan Zaricki: There's not anything there now. I'm imagining that behind the warehouse space, if we were to have outdoor storage I know that the ordinance requires I believe an 8' fence, a privacy fence, if there's anything stored outside. But you know one of the reasons that we kind of wanted to expand into that lot is also so we could have that greenspace to develop that with plantings and just to sort of beautify the area.

Councilman O'Daniel: Wish we could.

Ryan Zaricki: Yeah.

Councilman O'Daniel: Okay, I appreciate it. Thanks.

Ryan Zaricki: Thank you.

Councilman McGinn: Quick question too. I had some of those concerns too but then I realized the corner lot is already...

Ryan Zaricki: Yeah, exactly.

Councilman McGinn:...this particular zoning so...

Ryan Zaricki: Right, so conceivably we could cram everything on that front and essentially do what we want.

Councilman McGinn: That was my question. The size...the Phase I would fit on the lot that's already zoned.

Ryan Zaricki: Yeah absolutely, and if we needed to we could probably do the whole thing but the idea was just to kind of spread our wings a little bit and incorporate that greenspace.

Councilman McGinn: Okay, thanks.

President Friend: Yes?

Councilwoman Mosby: I also drove by the area and like Councilman Lindsey said, this is a great improvement and I appreciate what you're doing there.

Ryan Zaricki: Thank you.

Councilman Weaver: Yeah, I remember going out there as Assessor. That's been vacant for a long time so we really appreciate you cleaning up the area. And by the way, you did a great job at the realtor luncheon a few weeks ago. Keep up the good work.

Ryan Zaricki: Thank you. I appreciate it.

President Friend: Is there any other questions from members?

Councilman O'Daniel: Move for a roll call.

President Friend: Well I got it. I ask anybody else out in the audience have...for or against this? With that, go ahead.

Councilman O'Daniel: Move to bring it to vote.

President Friend: I have a motion by Councilman O'Daniel. Second?

Councilman Lindsey: Second

President Friend: A second by Councilman Lindsey. Please Madam Clerk, call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

Absent: Brinkerhoff-Riley

President Friend: There being eight (8) Ayes and zero (0) Nays, Ordinance R-2014-4 is hereby declared adopted.

CONSENT AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2014-4

FINANCE

O'DANIEL

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-Appropriation of Funds for Various City Funds

COMMITTEE REPORTS:

FINANCE COMMITTEE:

CHAIRMAN O'DANIEL

Chairman O'Daniel: Yes Mister President, your Finance Committee met this evening to hear Ordinance F-2014-4 and it comes forward with a do-pass recommendation.

President Friend: Okay, is there a motion to adopt the Committee Reports and move this Ordinance to Third Reading.

Councilman Adams: So moved.

Councilwoman Mosby: Second.

President Friend: I have a motion by Dr. Adams, seconded by Councilwoman Mosby. Ayes? Nays? (Unanimous Ayes) Goes forth as ordered.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2014-4 FINANCE

O'DANIEL

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-Appropriation of Funds for Various City Funds

President Friend: Yes, okay. Is there a motion to adopt Ordinance F-2014-4?

Councilman McGinn: So moved.

Councilman Adams: Second.

President Friend: Seconded by Dr. Adams. The motion was made by Councilman McGinn. Please Madam Clerk, call the roll.

Comments made prior to casting their votes:

Councilman McGinn: First, I want to thank Russ and the department heads. I have been in this position before when you get a call from downtown saying there's a budget shortfall; rearrange your figures. And it's a...they did this in a way that I think is very good. There's really not any diminution of any services, no lay-offs, and so I think they did a good job. I vote aye.

Councilman O'Daniel: I too want to thank the department heads. I'm concerned it may not be enough and I think that the department heads need to at least continue to look for potential savings where they can because we don't know what June will bring us. But I appreciate the work that's been done and I vote aye.

ROLL CALL

Ayes: McGinn, Mosby, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

Absent: Brinkerhoff-Riley

President Friend: There being eight (8) Ayes and zero (0) Nays, Ordinance F-2013-4 is hereby declared adopted.

MISCELLANEOUS BUSINESS

There will be no meeting of the Common Council on Monday, April 21, 2014. The next meeting of the Common Council will be Monday, April 28, 2014 at 5:30 p.m. There are no Committee Meetings scheduled for Monday, April 28, 2014.

APPROVAL OF THE YOUTH LEADERSHIP GRANTS: Chairman Weaver

President Friend: Okay, approval of the Leadership Grants. Councilman Weaver? Chairman Weaver, I'm sorry, excuse me.

Chairman Weaver: Yeah back on...a few weeks ago we sat down, a bunch of us Councilpersons: Mosby, Adams, and Ashten did a great job filling in for you Laura.

City Clerk Windhorst: Thank you.

Chairman Weaver: So I think that was...yeah and we went through \$10,000 here. Any questions? To be distributed these organizations.

President Friend: That said, I'll entertain a motion.

Councilwoman Mosby: So moved.

Councilman Adams: Second.

President Friend: I had a motion made my Councilwoman Mosby and seconded by Dr.

Adams. Ayes? Nays? (Unanimous Ayes) Goes forth as ordered.

APPROVAL OF THE YOUTH SPORTS GRANTS: Chairman Lindsey

President Friend: Okay, approval of the Youth Sports Grants. Chairman Lindsey.

Chairman Lindsey: (Off Mic) yes, we met and had a lot of good applications and did a good job I think. I thank everyone for showing up (On Mic) and being there and we made a lot of young people happy and I just a...we came in under budget, \$49,088.43.

President Friend: Okay.

Chairman Lindsey: Thank you.

President Friend: Do I have a motion to approve the Youth Sports Grant?

Councilwoman Robinson: So moved.

Councilman Weaver: Second.

President Friend: Had a motion by Councilwoman Robinson; second by Councilman Weaver.

Ayes? Nays? (Unanimous Ayes) So ordered.

COMMITTEE REPORTS:

A.S.D. COMMITTEE:

CHAIRMAN ADAMS

Nothing scheduled at this time.

FINANCE COMMITTEE:

CHAIRMAN O'DANIEL

Nothing scheduled at this time.

PUBLIC WORKS COMMITTEE:

CHAIRMAN LINDSEY

Nothing scheduled at this time.

ADJOURNMENT

President Friend: Thank you so much. Wow. I have a motion for adjournment.

Councilman Lindsey: So moved.

Councilman O'Daniel: Second.

President Friend: Oh yeah, before we go...

Unidentified Speaker: Anybody want to say anything?

President Friend:...anybody have any questions in the audience? I always try to speed this along quick as I can. Yes?

Councilwoman Mosby: I would just like to make a comment and thank everyone that worked so hard for Guns & Hoses, another awesome event for the tri-state area. They raised a lot of money for some wonderful causes and it was a win-win for everybody.

President Friend: Okay, there was a motion made by Councilman Lindsey and seconded by Councilman O'Daniel. (Inaudible) Adjourned.

Meeting adjourned at 6:12 p.m.

Laura Windhorst, City Clerk

John Friend, President